

## EXHIBIT 5

M

Suri Lefkowitz  
1542 54<sup>th</sup> Street  
Brooklyn  
New York  
11219  
USA

17 December 2002

By Fax & Post : 001 718 853 3056

Dear Ms Lefkowitz,

Re: Sholam Weiss - Payment of Outstanding Fees to Piers Gardner

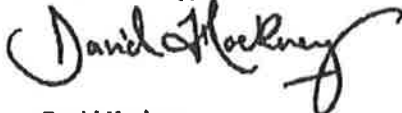
I regret to have to write to you again in search of settlement of Piers' long outstanding fees. The matter has become particularly urgent in the light of the request from Farrell Schultz that Piers should make his file and papers available to Edward Fitzgerald QC of Doughty Street Chambers. As you know, there is a deadline of 23 December 2002 for filing the reply to the submissions of Austria with the Human Rights Committee in Geneva. This matter must therefore be resolved forthwith.

The total amount outstanding is £ 73,618.57 which equates to \$ 115,734.88 at today's exchange rate. As you know, the considerable amount of work conducted by Piers on this aspect of the matter originated with your instructions and undertaking in respect of his fees given on the evening of 23 May 2002, after the European Court of Human Rights declined the second request for interim measures under Rule 39 of its Rules of Procedure. It was then agreed that a communication should be made to the UN Human Rights Committee as a matter of absolute urgency. It was, and the interim measures order which is now central to the issue before the Human Rights Committee was obtained the following day.

The outstanding balance dates back to June of this year with a number of substantial expenses having been incurred on Piers' part. With such a large sum outstanding I must impress upon you the urgent requirement to settle these fees without further delay. This will enable the papers to be transferred in an orderly way so that the matter can continue with Mr Fitzgerald. Please would you therefore contact me straight away to confirm the method and timing of the payment.

I attach a note of all outstanding fees for ease of reference together with copies of the relevant invoices.

Yours sincerely,



David Hockney  
Clerk to Piers Gardner

**SHOLAM WEISS - NOTE OF OUTSTANDING FEES**

**Case Ref: 26358 ( 3 June - 9 June ) £ 15478.23**

**Case Ref: 26385 ( 10 June - 21 June ) £ 24131.25**

**Case Ref: 26443 ( 24 June - 1 July ) £ 10250**

**Case Ref: 26482 ( 2 July - 16 July ) £ 11225**

**Case Ref: 26868 ( 18 July - 1 October ) £ 12534.09**

**Total Amount Outstanding : £ 73,618. 57   or   \$ 115,734. 57 at  
today's exchange rate.**

**17 December02**

**Professional Fees of Mr Piers Gardner**

V.A.T. Registration No: 761 3941 29



4 Raymond Buildings  
Gray's Inn London  
WC1R 5BP  
Tel: 020 7405 7211  
Fax: 020 7405 2084  
LDB: 257

Solicitor Ref <b>S Laskowitz</b>	Date <b>17 December 2002</b>	Case Ref No (Please quote in all correspondence) <b>26358</b>
<b>WEISS EXTRADITION DEFENSE</b>		<b>Private</b>
<b>Date</b>	<b>Description</b>	<b>Fees VAT</b>
03 Jun 2002	Review Geneva & Convention against Torture materials )	
04 Jun 2002	Review Geneva & Convention against Torture materials )	
05 Jun 2002	Work on materials for Geneva & Strategic question to M Winschhofer ) Drafting for Geneva & Transport from airport to M Winschhofer ) Advising in Conference with M Winschhofer, A Hebling-Werner & SL ) Review of documents )	
06 Jun 2002	Preparation for & Advising in Conference with M Winschhofer & S Weiss ) Advising in Conference with A Hebling-Werner & M Winschhofer ) Return to London; Review of new of documents & drafting )	
07 Jun 2002	Review of documents & drafting for Geneva ) Further drafting for Geneva & Advising on Telephone with M Winschhofer )	
08 Jun 2002	Possibility of Article 5 complaint to Strasbourg )	
09 Jun 2002	Advising on Telephone with SL, M Winschhofer, S Burstyn re S Weiss's removal )	
<b>Rate</b>	<b>Fees</b>	<b>V.A.T.</b>
		<b>TOTAL FEES</b>
		<b>TOTAL V.A.T.</b>
		<b>TOTAL DUE</b>

This fee note supersedes previous fee notes

THIS IS NOT A TAX RECEIPT

**Professional Fees of Mr Piers Gardner**

V.A.T. Registration No: 761 3941 29



4 Raymond Buildings  
Gray's Inn London  
WC1R 5BP  
Tel: 020 7405 7211  
Fax: 020 7405 2084  
LDE: 257

Page no: 2

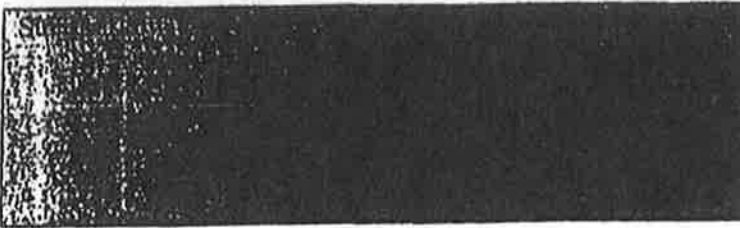
Solicitor Ref		Date	Case Ref No (Please quote in all correspondence)	
S Lefkowitz		17 December 2002	26358	
WEISS EXTRADITION DEFENSE			Private	
Date	Description		Fees	VAT
09 Jun 2002	(Continued from previous page) Fees B/FWD		0.00	0.00
	Total 61 Hrs		19825.00	0.00
	Expenses - Hotel & Travel		912.80	0.00
22 Jul 2002	Total 61 Hrs & Expenses = \$30484.57			
	Fees received (Total \$259.57 Inv 110)		-5259.57	0.00
Rate	Fees	V.A.T.	TOTAL FEES 15478.23	
0.00%	15478.23	0.00	TOTAL V.A.T. 0.00	
			TOTAL DUE	
This fee note supersedes previous fee notes				

THIS IS NOT A TAX INVOICE

P. 2

**Professional Fees of Mr Piers Gardner**

V.A.T. Registration Nos 761 3841 29



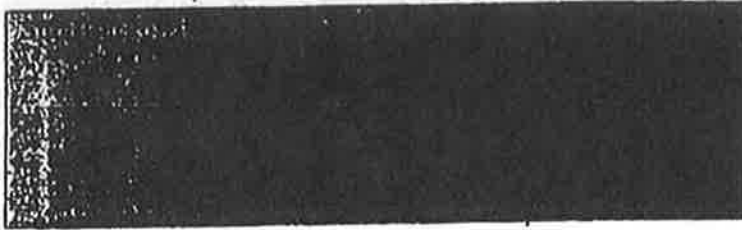
4 Raymond Buildings  
Gray's Inn London  
WC1R 5BP  
Tel: 020 7405 7211  
Fax: 020 7405 2084  
LDB: 257

Solicitor Ref	Date	Case Ref No (Please quote in all correspondence)	
Suri Lefkowitz	17 December 2002	26385	
SHOLAM WEISS - EXTRADITION		Private	
Date	Description	Fees	VAT
10 Jun 2002	Review of next steps & Advising on Telephone with M Winischhofer, S Burstyn & S Lefkowitz )		
11 Jun 2002	Advising on Telephone with S Burstyn re tactics & Telephone Calls with Strasbourg & Geneva )		
12 Jun 2002	Min of Just position & Advising on Telephone with M Winischhofer & S Lefkowitz re options ) Review of Austrian position & options in Geneva & Strasbourg		
13 Jun 2002	Review of General cases on breach of interim measures )		
14 Jun 2002	Advising on Telephone with S Lefkowitz & Work on Article 5 ECHR issues )		
16 Jun 2002	Review options between Strasbourg & Geneva )		
17 Jun 2002	Review Article 5 option in ECHR, Anguelova ) Advising on Telephone with S Lefkowitz & M Winischhofer & Work on Altmann documents ) E-Mail to S Burstyn & Review of Altmann documents )		
18 Jun 2002	Working on Submissions to Geneva re position of Specil Rapporteur for new communications )		
19 Jun 2002	Drafting submission to United Nations Human Right Committee in Geneva )		
20 Jun 2002	Revision submission to UNHRC )		
Rate	Fees	V.A.T.	TOTAL FEES C/FWD
			TOTAL V.A.T. C/FWD
			TOTAL DUE
This fee note supersedes previous fee notes			

THIS IS NOT A TAX INVOICE

**Professional Fees of Mr Piers Gardner**

V.A.T. Registration No: 761 384 29



4 Raymond Buildings  
Gray's Inn London  
WC1R 5BP  
Tel: 020 7405 7211  
Fax: 020 7405 2084  
LOB: 257

Page no: 2

Solicitor Ref	Date	Case Ref No (Please quote in all correspondence)
Suri Lefkowitz	17 December 2002	26385

SHOLAM WEISS - EXTRADITION		Private	
----------------------------	--	---------	--

Date	Description	Fees	VAT
	(Continued from previous page) Fees B/FWD	0.00	0.00
20 Jun 2002	Circulation of UNHRC document, advising on telephone with S Lefkowitz & Parliamentary Assembly of the Council of Europe )		
21 Jun 2002	Working on Parliamentary Assembly material & European Parliament Committee reports ) Advising on Telephone with M Walschhofer & S Lefkowitz re parliamentary assembly & review of committees )		
	Total 74.25 Hrs Total 74.25 hrs = \$35472.94	24131.25	0.00

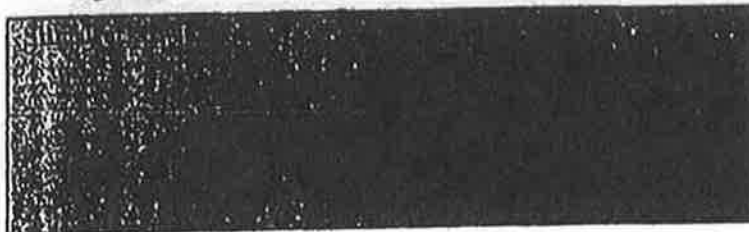
Rate	Fees	V.A.T.	TOTAL FEES
0.00%	24131.25	0.00	24131.25
			TOTAL V.A.T.
			0.00
			TOTAL DUE
			24131.25

This fee note supersedes previous fee notes

A.4

**Professional Fees of Mr Piers Gardner**

V.A.T. Registration No 761 3841 29



4 Raymond Buildings  
Gray's Inn London  
WC1R 5BP  
Tel: 020 7405 7211  
Fax: 020 7405 2084  
LDB: 257

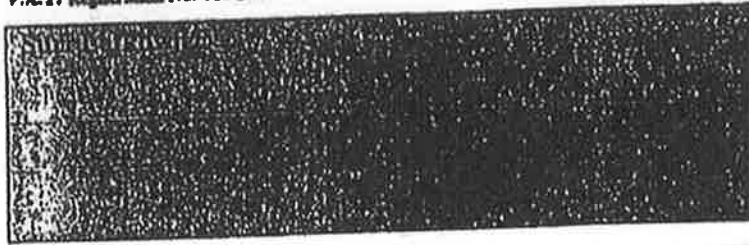
Solicitor Ref	Date	Case Ref No (Please quote in all correspondence)	
Suri Lefkowitz	17 December 2002	26443	
SHOLAM WEISS - EXTRADITION		Private	
Date	Description	Fees	VAT
24 Jun 2002	Working on material on parliamentary assembly ) Advising on Telephone with S Lefkowitz ) Work re evidence required for US & Parliamentary Assembly ) Work on M Winiarschhofer summary of proceedings in Germany )		
25 Jun 2002	Drafting summaries for politicians & work on ICCPR practice & cases; Advising on Telephone with M Winiarschhofer )		
26 Jun 2002	Drafting summaries & despatch to S Lefkowitz ) Review ICCPR practice & session dates ) Extensive Telephone Conference with Geneva Secretariat ) Advising on Telephone with S Lefkowitz; Confirmation of drafts )		
27 Jun 2002	Review of M Winiarschhofer European parliament material & Work on MEP profiles for questioning Austria )		
28 Jun 2002	Advising on Telephone with S Lefkowitz & Liaison with Hebling-Werner ) Advising on Telephone with Corbett & Duff; E-mail summaries ) Advising on Telephone with S Lefkowitz re		
Rate	Fees	V.A.T.	TOTAL FEES
			C/FWD
			TOTAL V.A.T.
			C/FWD
			TOTAL DUE
This fee note supersedes previous fee notes			

THIS IS NOT A TAX INVOICE



**Professional Fees of Mr Piers Gardner**

V.A.T. Registration No: 761 3841 29



4 Raymond Buildings  
Gray's Inn London  
WC1R 5BP  
Tel: 020 7405 7211  
Fax: 020 7405 2084  
LDB: 257

Page no: 2

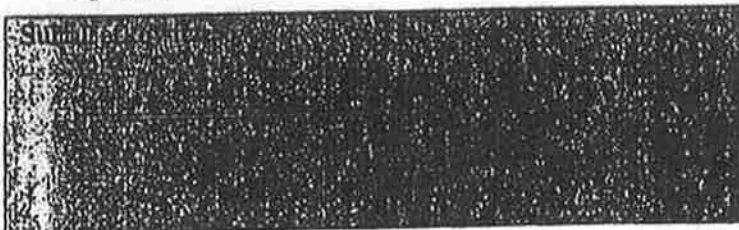
Solicitor Ref		Date	Case Ref No (Please quote in all correspondence)	
Suri Lefkowitz		17 December 2002	26443	
SHOLAM WEISS - EXTRADITION			Private	
Date	Description	Fees	VAT	
	(Continued from previous page) Fees B/FWD	0.00	0.00	
28 Jun 2002	Fawsett's order )			
	Review Fawsett's Order )			
	Advising on Telephone with S Lefkowitz re			
	Fawsett's order & next steps )			
29 Jun 2002	Implications of Fawsett's Order )			
30 Jun 2002	Review of implications of Fawsett's Order )			
01 Jul 2002	E-Mail from & to S Burstyn re next steps )			
	Review position before UNHRC )			
	Advising on Telephone with S Burstyn at length )			
	Advising on Telephone with S Lefkowitz re position			
	as discussed )			
	Total 31.5 hrs	10250.00	0.00	
	Total 31.5 hrs \$15075			
Rate	Fees	V.A.T.	TOTAL FEES 10250.00	
0.00%	10250.00	0.00	TOTAL V.A.T. 0.00	
			TOTAL DUE 10250.00	
This fee note supersedes previous fee notes				

THIS IS NOT A TAX INVOICE

P. 6

**Professional Fees of Mr Piers Gardner**

V.A.T. Registration No 761 3841 29



4 Raymond Buildings  
Gray's Inn London  
WC1R 5BP  
Tel: 020 7405 7211  
Fax: 020 7405 2084  
LDB: 257

Solicitor Ref		Date	Case Ref No (Please quote in all correspondence)	
Suri Lefkowitz		17 December 2002	26482	
SHOLAM WEISS - EXTRADITION			Private	
Date	Description	Fees	VAT	
02 Jul 2002	E-Mail from Andrew Duff MEP & Reply ) Significance that requests for sentencing )			
03 Jul 2002	Advising on Telephone with S Lefkowitz re Duff ) Copy documents to S Burstyn )			
04 Jul 2002	Advising on Telephone with S Lefkowitz & work on material for use in USA )			
05 Jul 2002	Outcome of EP activities & Advising on Telephone with S Lefkowitz ) EP Question by Corbett & Circulation )			
06 Jul 2002	Advising on Telephone with Mike Abell ) Implications of Austrian proceedings for US )			
07 Jul 2002	Strategy in Geneva & Strasbourg )			
08 Jul 2002	Research States which have revised extradition ) Advising on Telephone with S Lefkowitz & Collins re breach of international law )			
09 Jul 2002	Research States which have revised extradition )			
10 Jul 2002	Documents for use in Habeas Corpus )			
12 Jul 2002	Documents for translation ) Documents for use in US proceedings )			
15 Jul 2002	Documents for US proceedings; Copying & faxing ) Faxed documents for translation )			
16 Jul 2002	Documents to S Burstyn ) Mike Abell's Habeas Corpus draft )			
Rate	Fees	V.A.T.	TOTAL FEES	C/FWD
			TOTAL V.A.T.	C/FWD
			TOTAL DUE	A 200.00

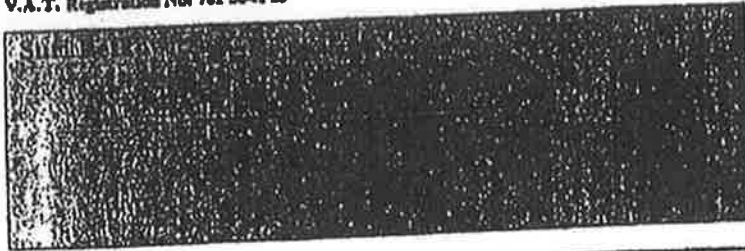
This fee note supersedes previous fee notes

THIS IS NOT A TAX INVOICE

P.7

**Professional Fees of Mr Piers Gardner**

V.A.T. Registration No: 761 3241 29



4 Raymond Buildings  
Gray's Inn London  
WC1R 5BP  
Tel: 020 7405 7211  
Fax: 020 7405 2084  
LDB: 257

Page no: 2

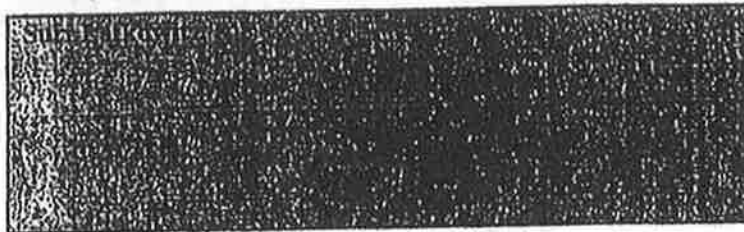
Solicitor Ref <b>Suri Lefkowitz</b>		Date <b>17 December 2002</b>	Case Ref No (Please quote in all correspondence) <b>26482</b>	
<b>SHOLAM WEISS - EXTRADITION</b>			<b>Private</b>	
Date	Description	Fees	VAT	
	(Continued from previous page) Fees B/FWD	0.00	0.00	
<b>16 Jul 2002</b>	<b>Total 34.5 hrs</b> <b>34.5 hrs = \$16500</b>	<b>11225.00</b>	<b>0.00</b>	
		<b>11225.00</b>		
Rate	Fees	V.A.T.	TOTAL FEES	
0.00%	11225.00	0.00	TOTAL V.A.T. 0.00	
			TOTAL DUE <b>11225.00</b>	

This fee note supersedes previous fee notes

THIS IS NOT A TAX INVOICE

**Professional Fees of Mr Piers Gardner**

V.A.T. Registration No: 761 3841 29



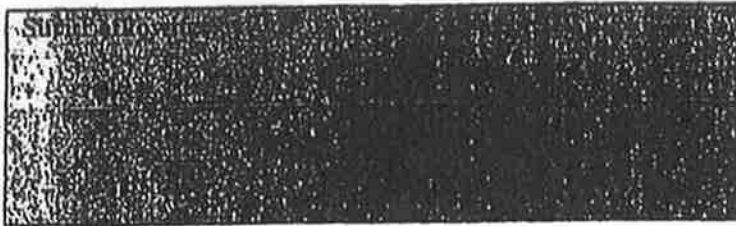
4 Raymond Buildings  
Gray's Inn London  
WC1R 5BP  
Tel: 020 7405 7211  
Fax: 020 7405 2084  
LDB: 257

Solicitor Ref	Date	Case Ref No (Please quote in all correspondence)	
82	17 December 2002	26868	
SHOLAM WEISS		Private	
Date	Description	Fees	VAT
11 Jul 2002	* Expenses - International Courier Charge	31.20	0.00
18 Jul 2002	Reviewing Habeas corpus application and e-mail reply - 2hrs		
09 Aug 2002	Note to M.Winschhofer and S.Burstyn - 45mins		
	Note re next steps and instructions - 2hrs		
10 Aug 2002	Telephone conference with M.Abbell re US habeas options - 45mins		
12 Aug 2002	Note re Austria request to return - 45mins		
05 Sep 2002	Prosecution appeal against Fawsett order - 30mins		
10 Sep 2002	Reviewing Parliamentary Assembly agenda - 3hrs 30mins		
16 Sep 2002	Review, Letters Bruce and Russell-Johnson - 3hrs 45mins		
17 Sep 2002	Parly Assembly and telephone conference with Russell-Johnson		
18 Sep 2002	Draft questions, emails to secretariat, UNHCHR		
20 Sep 2002	Draft questions for Liberal group and R-J		
23 Sep 2002	Submission to UNHCR, Parl Assembly telephone conference - 2hrs 45mins		
24 Sep 2002	Austrian submissions to UNHCR		
25 Sep 2002	Reviewing and updating work for M.Winschhofer and submissions for UNHCR - 3HRS 30MINS		
30 Sep 2002	Detailed telephone conference with S.Lefkowitz -		
Note: Items marked '*' are previously unbilled			
Rate	Fees	V.A.T.	TOTAL FEES
			C/FWD
			TOTAL V.A.T.
			C/FWD
			TOTAL DUE
This fee note supersedes previous fee notes			

THIS IS NOT A TAX INVOICE

**Professional Fees of Mr Piers Gardner**

V.A.T. Registration No: 761 3941 29



4 Raymond Buildings  
Gray's Inn London  
WC1R 5BP  
Tel: 020 7405 7211  
Fax: 020 7405 2084  
LDE: 257

Page no: 2

Solicitor Ref		Date	Case Ref No (Please quote in all correspondence)	
SF		17 December 2002	26868	
SHOLAM WEISS			Private	
Date	Description		Fees	VAT
	(Continued from previous page) Fees B/FWD		31.20	0.00
30 Sep 2002	45mins			
01 Oct 2002	Summary note re current position - 1hr25mins			
30 Oct 2002	* 43.25 Hrs Total		12502.89	0.00
	Total 43.25 hrs = \$ 19462.50			
Note: Items marked '*' are previously unbilled				
Rate	Fees	V.A.T.	TOTAL FEES	12534.09
0.00%	12502.89	0.00	TOTAL V.A.T.	0.00
0.00%	31.20	0.00	TOTAL DUE	12534.09
This fee note supersedes previous fee notes				

This fee note supersedes previous fee notes

THIS IS NOT A TAX INVOICE